IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1519 OF 1986

M/s.Belapur Dye-Chem Industries .. Plaintiffs

Versus

Tibco Dye-Stuffs Pvt.Ltd. Defendatns

Ms.Mridula Bhatia i/b S.N.Shah for plffs.

None for defendants

CORAM : P.V.KAKADE, J.

DATE : 13TH AUGUST, 2004.

P.C.:

1. The plaintiffs have filed this suit against the defendants for recovery of the amount of Rs.59,180.95 ps. with interest @ 6% p.a. from the date of filing of the suit till payment or realisation.

2. The plaintiffs are registered partnership firm manufacturing and carrying on business in Dye and Chemicals. The defendants company is also located in Mumbai and had purchased the goods from the plaintiffs

under Bill Nos.2040/4 and 2040/6 in the month of December, 1983 of the total value of Rs.66,928.95 ps. The goods were sold and delivered, slips were obtained, which are part of the record. Part payment was made by the defendants and balance amount of Rs.51,928.95 are remained paid. The cheques issued by the defendants were dishonoured and hence the suit for recovery of the balance amount came to be filed.

3. The defendants have filed their written statement raising various contentions.

4. The issues were framed on the basis of the available pleadings. The issues and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether Plaintiffs prove that their firm is registered under the Indian Partnership Act ?	In the affirmative

2.	Whether the plaintiffs are entitled to decree as prayed and interest as prayed ?	In the affirmative
3.	Whether the defendants prove that the suit goods supplied by the plaintiffs were defective, damaged and inferior?	In the negative
4.	Whether the defendants prove that the suit of the plaintiff is barred by law of limitation ?	In the negative ?
5.	What orders?	As per final order.
6.	What relief?	As per final order.

4. At the outset it may be noted that though the defendants have filed their written statement, they did not appear for hearing and therefore, the suit proceeded ex-parte against them. The plaintiffs have entered into witness box and proved the contents of the affidavit of

evidence as well as plaint and original documents vide Ex.P.3 to P.16. These aspects are sufficient to hold that the plaintiffs have proved its case especially when entire evidence has gone on record unchallenged. In the result I pass the following order :

The suit stands decreed with costs.

The defendants shall pay to the Plaintiffs the amount of Rs.59,180.95 ps. along with interest at the rate of 6% p.a. from the date of the suit till payment or realisation.

Certified copy expedited.